

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAMON M. DEL CAMPO,

Plaintiff,

v.

No. 2:20-cv-00635-MV-GBW

STATE OF NEW MEXICO, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER
DENYING MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

The Court dismissed this case and entered Final Judgment on August 18, 2020. *See* Doc. 23. Plaintiff subsequently filed a Notice of Appeal, Doc. 32, on September 14, 2020, and a Motion for leave to appeal *in forma pauperis*, Doc. 38, on October 21, 2020.

“In order to succeed on [a motion for leave to proceed on appeal without prepayment of costs or fees], an appellant must show a financial inability to pay the required filing fees and the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal.” *DeBardleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991). “An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). “The Supreme Court has held that good faith is to be judged by an objective standard, for review of any issue ‘not frivolous.’” *Spearman v. Collins*, 500 F. App’x 742, 743 (10th Cir. 2012) (citing *Coppedge v. United States*, 369 U.S. 438, 445 (1962)). “An appeal is frivolous when the result is obvious, or the appellant’s arguments of error are wholly without merit.” *Id.*; *see also Thompson v. Gibson*, 289 F.3d 1218, 1222 (10th Cir. 2002) (“An appeal is frivolous if it lacks an arguable basis in either law or fact”).

Plaintiff has not set forth in his Notice of Appeal or in his Motion for leave to appeal *in forma pauperis* any argument of error regarding the Court's Orders in this case. The Court concludes that Plaintiff's appeal is not taken in good faith and that his Motion for leave to appeal *in forma pauperis* must be denied because he has not identified "the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal." *DeBardeleben*, 937 F.2d at 505.

IT IS ORDERED that Plaintiff's Application to Proceed in the Court of Appeals without Prepaying Fees or Costs, Doc. 38, filed October 21, 2020, is **DENIED**.

THE COURT CERTIFIES that Plaintiff's appeal is not taken in good faith.



MARTHA VÁZQUEZ
UNITED STATES DISTRICT JUDGE